

1
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 10cr3313-JAH
11 Plaintiff,)
12 v.) PRELIMINARY ORDER
13 GENESIS GODINEZ (2),) OF CRIMINAL FORFEITURE
14 Defendant.)

)

16 WHEREAS, in the Indictment in the above-captioned case, the United States sought
17 forfeiture of all right, title and interest in specific property of the above-named Defendant pursuant
18 to Title 31, United States Code, Sections 5317 and 5332, as property involved in or traceable to
19 the violation of Title 31, United States Code, Sections 5332(a), as charged in the Indictment; and

20 WHEREAS, on or about March 3, 2011, the above-named Defendant, GENESIS
21 GODINEZ ("Defendant"), pled guilty to count one of the two-count Indictment before
22 District Court Judge John A. Houston, which plea included consent to the criminal forfeiture
23 allegation pursuant to Title 31 as set forth in the Indictment; and

24 WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has
25 established the requisite nexus between the forfeited property and the offense; and

26 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
27 of said property, pursuant to 31 U.S.C. §§ 5317 and 5332, and Rule 32.2(b) of the Federal Rules
28 of Criminal Procedure; and

1 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the authority to
2 take custody of the following property which was found forfeitable by the Court, namely:

3 **\$30,853.00 in U.S. Currency;** and

4 WHEREAS, the United States, having submitted the Order herein to the Defendant through
5 her attorney of record, to review, and no objections having been received;

6 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

7 1. Based upon the guilty plea of the Defendant, the United States is hereby authorized
8 to take custody and control of the following asset, and all right, title and interest of Defendant
9 GENESIS GODINEZ in the following property are hereby forfeited to the United States for
10 disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

11 **\$30,853.00 in U.S. Currency..**

12 2. The aforementioned forfeited asset is to be held by the United States Customs and
13 Border Protection (“CBP”) in its secure custody and control.

14 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin
15 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
16 of third parties.

17 4. Pursuant to the Attorney General’s authority under Section 853(n)(1) of Title 21,
18 United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules
19 for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall
20 publish for thirty (30) consecutive days on the Government’s forfeiture website,
www.forfeiture.gov, notice of this Order, notice of the CBP’s intent to dispose of the property in
21 such manner as the Attorney General may direct, and notice that any person, other than the
22 Defendant, having or claiming a legal interest in the above-listed forfeited property must file a
23 petition with the Court within thirty (30) days of the final publication of notice or of receipt of
24 actual notice, whichever is earlier.

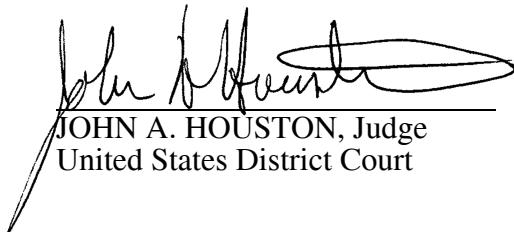
25 5. This notice shall state that the petition shall be for a hearing to adjudicate the
26 validity of the petitioner’s alleged interest in the property, shall be signed by the petitioner under
27 penalty of perjury, and shall set forth the nature and extent of the petitioner’s right, title or interest

1 in the forfeited property and any additional facts supporting the petitioner's claim and the relief
2 sought.

3 6. The United States may also, to the extent practicable, provide direct written notice
4 to any person known to have alleged an interest in the property that are the subject of the
5 Preliminary Order of Criminal Forfeiture.

6 7. Upon adjudication of all third-party interests, this Court will enter an
7 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be
8 addressed.

9 DATED: March 21, 2011

10 
11 JOHN A. HOUSTON, Judge
12 United States District Court

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28